In the Supreme Court of the United States

OCTOBER TERM, 1970

No. 1217

LOCAL 825, INTERNATIONAL UNION OF OPERATING ENGINEERS, AFL-CIO, ET AL., PETITIONERS

v.

NATIONAL LABOR RELATIONS BOARD

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

MEMORANDUM FOR THE NATIONAL LABOR RELATIONS BOARD IN OPPOSITION

The judgment of the court of appeals (Pet. App. 10a–13a) was entered on October 8, 1970. The 90-day period for filing a petition for a writ of certiorari prescribed by 28 U.S.C. 2101(c) expired on January 6, 1971, and no extension of time was granted. The petition was filed on January 9, 1971. Since the

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90-day time limitation is jurisdictional, the petition is untimely and should be denied.

Respectfully submitted.

ERWIN N. GRISWOLD,
Solicitor General.

ARNOLD ORDMAN,
General Counsel,
National Labor Relations Board.

FEBRUARY 1971.

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